IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : N A G P U R.

M.C.A. NOs. 693/07, 694/07, 695/07, 696/07 and

697 OF 2007

S.D.O./Dy. Engr. & anr. Vs. Member, Indl. Court & anr.

CORAM : A.B. CHAUDHARI, J.
RESERVED ON : 19.07.2007
PRONOUNCED ON : 04.08.2007.

ORAL ORDER :

These Review Petitions are being disposed of by common judgment. Rule. Heard forthwith by consent of parties. Heard Mr.Gilda, learned counsel for the review petitioners, Mr.Jaiswal, learned A.G.P., for respondent no.1 and Mr.F.G. Issac, learned counsel for respondent no.2. On 4.5.2007 this

Court has decided W.P. Nos. 6640/05, 6641/05, 6642/05, 6643/05 and 6644/05 and dismissed the writ petitions filed by the present review petitioners by a detailed judgment. It is against that judgment, the present review petitions are filed.

2. Mr.Gilda, learned counsel for the review petitioners, raised the following submissions in support of review petitions -

(i) the observations recorded by this Court that there were no pleadings and proof pertaining to the alleged back door entry of respondent no.2 are factually incorrect because such pleadings were made in the memo of revision that was filed before the Industrial Court and the same was not traversed by the other side.

(ii) that this Court did not consider the judgment that was cited by him in the case of **Rajasthan Tourism Development Corporation Ltd. & anr. v. Intejam Ali Zafri**

reported in **2006(6) Mh.L.J. 267.**

3. *Per contra,* Mr. Issac, learned counsel for respondent no.2 opposing the submissions made by Mr.Gilda, prayed for dismissal of review petitions. He submitted that the pleadings were required to be made by the review petitioners in the Labour Court, i.e. the first court and, therefore, the first submission made by Mr.Gilda is misconceived. The judgment referred to by Mr.Gilda does not have any application in the instant case and, therefore, the same was not rightly referred to. The learned A.G.P. prayed for dismissal of review petitions.

4. Having considered the submissions made by Mr.Gilda and other counsel for the parties, assuming but not admitting that any pleadings were raised in the memo of revision, the same is of no consequence. This Court has held that the revisional power under Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour

Practices Act is in the nature of superintendence- like the one under article 227 of the Constitution of India. Looking to the nature of power under Section 44 of the Act, I do not think that the contention raised by Mr.Gilda can be accepted. The pleadings and proof were required to be tendered before the Labour Court. The said submission is, therefore, rejected.

5. As regards the aforesaid judgment, I find that the said judgment has absolutely no application in the instant case and, therefore, there was no need to refer to the same. The relevant judgment, however, has been referred to in my judgment. No other point was urged by Mr.Gilda. Thus, there is no substance in these review petitions which are dismissed with costs quantified at Rs.500/- in each review petition payable to respondent no.2 within four weeks.

6. The undertaking which was furnished by Mr.Issac, learned counsel, for not proceeding with the contempt in the

original writ petitions, which were disposed of by me on 4.5.2007, shall remain in force for a period of four weeks only, by way of last chance.

JUDGE

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